

REMARKS

These remarks are in response to the Office Action dated July 11, 2008. Claims 1, 4-6, 8-14, 16-19, 21-26, 29, and 31-33 are pending in this application. No new matter is presented in the claim amendments presented herewith.

Claims 1, 5-6, 8-10, and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 1,833,961 (“Bass”).

Claims 4, 15, 17, 18, and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bass in view of US 1,968,530 (“Leathers”).

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bass in view of US 4,980,945 (“Bewley”) and US 3,924,085 (“Stone”).

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bass in view of US Patent Publication 2001/0008036 (“Worwag”).

Claims 1, 9, 15, 16, 19, 21, 22, 24-26, and 31-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication 2002/0104185 (“Weber”) in view of US 6,226,832 (“McCormick”).

Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bewley.

The rejections of claims 1, 4-6, 8-14, 16-19, 21-26, 29, and 31-33 are traversed in view of the claim amendments and the arguments below. Applicants respectfully request the Examiner withdraw the current rejections and promptly issue a notice of allowability in view of the following remarks and claim amendments.

I. REJECTIONS UNDER 35 U.S.C. § 102

a. Rejection of Independent Claim 1

Independent claim 1 is rejected under 35 U.S.C. § 102(b) as anticipated by Bass. Applicants respectfully traverse this rejection, as amended claim 1 is not anticipated by Bass.

Bass does not disclose or suggest a tool element or brush bar which is entirely exposed from above and in front of the tool element and readily removable when the upper housing portion is in an open position. In contrast, Bass teaches a vacuum cleaner having a brush (13) connected to a pulley (18) and an electric motor (8), where

the pulley (18) and electric motor (8) are positioned above the brush (13). Upon removal of cover plate (21) or rear part (25), exposure and access to the brush (13) is limited from above the brush (13).

Additionally, Bass does not disclose or suggest a drive belt having internal and external surfaces, wherein the drive belt does not pass around the tool element. In contrast, Bass teaches a shaft (17) and pulley (18) extending from the motor and connecting to pulley (16) on the brush shaft (14) by a quarter turn belt (19).

Because Bass does not disclose or suggest all of the limitations of independent claim 1, this rejection should be withdrawn. For at least the reasons set forth above, Applicants respectfully submit that claim 1 is in condition for allowance.

b. Rejection of Dependent Claims 5-6, 8-10, and 13

Dependent claims 5-6, 8-10, and 13 are rejected under 35 U.S.C. § 102(b) as anticipated by Bass. As discussed above, Bass fails to disclose or suggest all of the limitations of independent claim 1, let alone the limitations of claims 5-6, 8-10, and 13, which ultimately depend therefrom. Applicants respectfully request that these rejections be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 4, 17, 18, and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bass in view of US 1,968,530 (“Leathers”). Claims 4, 17, 18, and 23-25 each ultimately depend from independent claim 1. The addition of Leathers, however, does not provide all of the limitations of claim 1 missing from Bass, as discussed above. For example, the combination of Bass and Leathers does not disclose or suggest a head for a suction cleaner comprising a tool element entirely exposed from above and in front of the tool element and readily removable when the upper housing portion is in the open position. For at least this reason, Applicants respectfully submit that these claims are allowable.

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bass in view of US 4,980,945 (“Bewley”) and US 3,924,085 (“Stone”). Claims 11 and 12 each ultimately depend from independent claim 1. The addition of Bewley and Stone, however, do not provide all of the limitations of claim 1 missing from Bass, as

discussed above. For example, the combination of Bass, Bewley, and Stone does not disclose or suggest a suction cleaner head with a tool element entirely exposed from above and in front of the tool element and readily removable when the upper housing portion is in the open position. For at least this reason, Applicants respectfully submit that claims 11 and 12 are allowable.

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bass in view of US Patent Publication 2001/0008036 (“Worwag”). Claim 14 ultimately depends from independent claim 1. The addition of Worwag, however, does not provide all of the limitations of claim 1 missing from Bass, as discussed above. For example, the combination of Bass and Worwag does not disclose or suggest a suction cleaner head with a tool element entirely exposed from above and in front of the tool element and readily removable when the upper housing portion is in the open position. For at least this reason, Applicants respectfully submit that claim 14 is allowable.

Claims 1, 9, 16, 19, 21, 22, 24-26, and 31-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication 2002/0104185 (“Weber”) in view of US 6,226,832 (“McCormick”). With respect to independent claim 1, Applicants respectfully traverse this rejection, as amended claim 1 is not obvious over Weber in view of McCormick. McCormick does not disclose or suggest a tool element or brush bar which is entirely exposed from above and in front of the tool element and readily removable when the upper housing portion is in an open position. In contrast, McCormick teaches a vacuum cleaner with a portion of the base (36) covering the front of the agitator (40) after removal of the cover (80) and the inner agitator shield (58). This front portion of the base (36) includes shoulders (72) molded into the base (36) where the shoulders (72) are used to connect and secure the agitator shield (58) to the base (36). (Col. 4, ll. 66-67; col. 5, ll. 1-5). Because the base (36) includes a portion covering the front of the agitator after removal of the cover (80) and agitator shield (58), McCormick does not disclose or suggest all of the limitations of independent claim 1.

Weber does not disclose or suggest a tool element or brush bar which is entirely exposed from above and in front of the tool element and readily removable when the upper housing portion is in an open position. In fact, the Examiner acknowledges that Weber does not teach or suggest an upper housing portion that is movable with respect

to the lower housing portion. Therefore, the addition of Weber does not provide all of the limitations of claim 1 missing from McCormick, as discussed above. For example, the combination of Weber and McCormick does not disclose or suggest a head for a suction cleaner comprising a tool element entirely exposed from above and in front of the tool element and readily removable when the upper housing portion is in the open position. Dependent claims 9, 16, 19, 21, 22, and 24-26 are allowable at least based on their dependence from independent claim 1.

Additionally, there is further support for the patentability of claim 22. Weber does not disclose or suggest a pinion connected to and extending axially from an electric motor or turbine where the pinion engages an external surface of the drive belt. In contrast, Weber discloses or suggests a drive shaft (104) extending axially from motor (106) which drives a toothed belt (102), wherein drive shaft (104) engages the internal surface of the toothed belt (102). Thus, Weber teaches the opposite of that claimed in claim 22. Because Weber does not disclose or suggest all of the limitations of claim 22, this rejection should be withdrawn.

With respect to independent claim 31, Applicants respectfully traverse this rejection, as amended claim 31 is not obvious over Weber in view of McCormick. McCormick does not disclose or suggest a tool element or brush bar which is entirely exposed and removable from above and in front when the upper housing portion is in an open position. The addition of Weber, however, does not provide all of the limitations of claim 31 missing from McCormick. For example, the combination of Weber and McCormick does not disclose or suggest a tool element or brush bar which is entirely exposed and removable from above and in front when the upper housing portion is in an open position. Dependent claims 32 and 33 are allowable at least based on their dependence from independent claim 31.

Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bewley. Bewley does not disclose or suggest all of the limitations of independent claim 29, such as a tool element which is entirely exposed from above and in front of the tool element and readily removable when the upper housing portion is in an open position. In contrast, Bewley teaches a vacuum cleaner having a base (66) covering the front of the rotatable brush (72) when the nozzle top cover (80) is in an open position, as shown

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in Fig. 3. Because Bewley does not disclose or suggest all of the limitations of independent claim 29, this rejection should be withdrawn. Applicants respectfully submit that claim 29 is in condition for allowance.

CONCLUSION

Each of the objections and rejections in the Office Action dated July 11, 2008 has been addressed and no new matter has been added. Applicants submit that all of pending claims 1, 4-6, 8-14, 16-19, 21-26, 29, and 31-33 are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to contact the undersigned attorney if such communication would expedite the prosecution of this application.

Respectfully submitted,



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